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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,396	12/28/2001	Chester F. Grochoski		1149

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EXAMINER

SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 12/11/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/034,396	GROCHOSKI, CHESTER F.	
Examiner	Art Unit	
Catherine Simone	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: .  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. **Claims 1-26** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said moisture-barrier" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "said moisture-impervious layers" in 20. There is insufficient antecedent basis for this limitation in the claim.

The recitations "secured directly to" and "secured to" in claims 8-26 are deemed vague and indefinite. Clarification is requested.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-26** rejected under 35 U.S.C. 102(b) as being anticipated by Handwerker (5,549,956).

Regarding **claims 1, 8, 15, and 22**, Handwerker discloses an insulative blanket comprising a first moisture-barrier layer (Fig. 3, #12); a second moisture-barrier layer (Fig. 3, #14); an insulative layer (Fig. 3, #16) between the first moisture-barrier layer and the second moisture-barrier layer; and a reflective layer (Fig. 3, #18) attached to at least one of the first and second moisture-barrier layers, the reflective layer being attached to the moisture-barrier opposite the insulative layer (Fig. 3, #16). Regarding **claims 2, 3, 9, 10 and 18**, note the reflective layer comprises a metal foil made of aluminum (see col. 4, lines 64-67). Regarding **claims 4 and 23**, the insulative layer comprises a sheet, the sheet defining a plurality of indentations having a base and an apex (Fig. 2, #16), the first moisture-barrier layer (Fig. 2, #12) laminated to one of the base and the apex, the second moisture-barrier layer (Fig. 2, #14) laminated to the other of the base and the apex, the first moisture-barrier layer and the second moisture-barrier layer defining a space therebetween (see col. 3, lines 29-32). Regarding **claim 5**, the insulative layer (Fig. 2, #16) comprises a first sheet defining a plurality of indentations (Fig. 2, #22), the first sheet laminated to a second sheet (Fig. 2, #18) closing the plurality of indentations, the enclosed indentations forming at least one insulative enclosure. Regarding **claim 6 and 26**, the insulative layer (Fig. 2, #16) comprises a first sheet defining a plurality of indentations (Fig. 2, #22), the first sheet laminated to a second sheet (Fig. 2, #18), the laminated first sheet and the second sheet defining a first enclosed space (Fig. 2, #24), the first sheet laminated to a third sheet (Fig. 2, #14), the laminated first sheet and the third sheet defining a plurality of insulative enclosures. Regarding **claims 7, 13, 14 and 19**, the insulative layer and

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moisture-barrier layers are plastic (see col. 3, lines 3-8). Regarding **claim 11** and **20**, note the moisture-impervious layer and the insulative layer comprise degradable materials (see col. 3, lines 19-24). Regarding **claim 12**, note a second moisture-impervious layer (Fig. 2, #14) secured to the protrusions (Fig. 2, #24), the moisture-impervious layer and the base forming at least one insulative enclosure.

Regarding **claim 16**, the plurality of insulative enclosures are disposed in a spaced relationship with each other, the elements being air filled pockets (see col. 3, lines 25-34). Regarding **claim 17**, note a plurality of insulative layers (Fig. 4, #16 and #30) between the first moisture-barrier layer (Fig. 4, #12) and the second moisture-barrier layer (Fig. 4, #14). Regarding **claim 24**, note the reflective layer (Fig. 2, #18) is secured to the base (Fig. 2, #16). Regarding **claim 25**, the reflective layer (Fig. 2, #18) is secured to the moisture-impervious layer (Fig. 2, #12).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents are cited for further teachings of insulative blankets similar to that instantly disclosed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (703) 605-4297. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Catherine Simone  
Examiner  
Art Unit 1772

December 10, 2002



HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

12/10/02